Civil Legal Aid in NV

New Commission Member Orientation

Justice James Hardesty
Co-Chair

Brad Lewis
Director

Justice Kristina Pickering
Co-Chair

Nevada Supreme Court
Access to Justice Commission
An American Promise

Equal Justice Under Law
And a Question

Who is more likely to win in court:
A.) A person who represents themselves?
B.) A person who is represented by a lawyer?
What is the Access to Justice Commission?

Mission

• The Access to Justice Commission works with Nevada’s legal aid providers to improve access to civil justice for people of limited means in Nevada

• What we do
  ○ Assess needs
  ○ Develop policies
  ○ Improve self-help and pro bono
  ○ Increase awareness
  ○ Pursue funding
  ○ Recommend rules and legislation
Nevada’s Five Core Legal Aid Providers

Since 1958

Legal Aid Center
of Southern Nevada

Senior Law Program

Washoe Legal Services
A 501(c)(3) non-profit organization.
Who are our clients?

• Nearly 1 million (990,000) Nevadans are eligible for legal aid (based on 200% of the federal poverty level).
What is the Poverty Landscape in Nevada?

Population Trends: Poverty soared during the Great Recession... and then persisted after


2012: Poverty Population* peaked at 67% above 2007

2016: Poverty persisted remaining at 48% above 2007

2000: 195,000 2007: 270,000 2012: 450,000 2016: 400,000

*Poverty Population = Nevadans living at or below 100% Federal Poverty Income level

2016: 2.9 Million Total Nevada Population
Who are our clients?

- Vulnerable populations served
  - People with disabilities
  - Seniors 60+
  - Children
  - Homeless
  - Domestic violence and sexual assault victims
Who are our clients?

- Populations served
  - Veterans and military families
  - Families with children
  - Native Americans
  - Immigrants
  - Inmates
  - Victims of Violence
  - Persons living with HIV/AIDS
What do we do?

- Provide legal representation to those with limited means*
  - Legal advice
  - Brief or limited legal services
  - Negotiation
  - Litigation
  - Appeals
  - Advocacy targeted to systemic issues for our clients

*Nevada ranks 29th out of 50 states in poverty.
What do we do?

- **Offer other services**
  - Community education, clinics and “Ask-A-Lawyer” events
  - Volunteer (pro bono) attorney recruitment, training, mentoring, and management
  - Public policy advocacy
  - Investigation and monitoring
  - Communications
How do clients apply for services?

- Office walk-ins
- Self-Help Centers
- Online applications
- By phone
- By mail
- Referrals
Who gets help? And the “Justice Gap”

- Need: Each year 147,000 legal problems are experienced each year by low income Nevadans
- Capacity: In 2016, 35,000 cases were closed by Nevada’s five core legal aid providers.
- The “Justice Gap”: 112,000
- 76% of all legal needs go unmet.
What types of cases do we handle?

- Income & Employment
- Health
- Consumer
- Family, Juvenile & Education
- Housing
- Immigration
- And more...
Nevada’s Five Core Legal Aid Providers

- 214 staff located across Nevada including:
  - 84 lawyers
  - 28 paralegals
  - 102 other staff
- 1 legal aid attorney for every 6,000 eligible clients

Who provides the services?

- How does this compare to attorneys available for a fee?
  - 1 private attorney for every 400 people
What challenges does legal aid face?

- Low salaries/recruitment/competitive market
- High case loads
- Limited litigation budgets
- Lean support staff
- Fundraising
- Funding restrictions
- Reporting requirements by funders
- Clients’ personal limitations
How many clients do we represent annually?

- Closed 35,000+ cases in 2016
- Touch thousands of additional clients each year through legal clinics, Ask-A-Lawyer, events, and more
How are we funded?

- Filing fees
- Federal, state, and local governments
- IOLTA
- Private and public including bar organizations
- Individual donations
- Events
- Dues Check-Off
- Other
Who benefits from legal aid?

- Clients and their families
- Judges and Courts in all counties
- All communities across Nevada
- Anyone needing a court remedy by speeding proceedings and avoiding delays caused by un-represented clients
What are the economic benefits of legal aid?

- $24.8 million in new federal benefits, including food stamps, SSI, disability and federal tax refunds
- $8.3 million in Medicare and Medicaid reimbursements
- $4.6 million in veterans benefits.
- $2.2 million in child support
What are the economic benefits of legal aid?

The Bottom Line
2016 Estimated Impact of Legal Aid in Nevada: $128 Million
A $7 return for every $1 in funding
Challenges clients face to get a legal aid lawyer

- Knowledge – identification of legal problem and where to go for assistance
- Personal limitations
- Geography
- Eligibility for services
- Case type
- Staffing
Benefits of Legal Aid

Impacts of **NOT** Addressing Needs in Income and Employment

**WITHOUT** Legal Help, People...
- Are unaware of legal rights
- Have difficulty navigating the complex appeal process
- Usually give up or lose
- Continue in poverty

**WITH** Legal Help, People Can...
- Exercise legal rights
- File a timely legal appeal
- Win their appeal (80% success)
- Get an income stream averaging $830/mo. for 11 years...
- $109,000 total

*Example: Denial of Disability Benefits*
Benefits of Legal Aid

Impacts of **NOT** Addressing Needs in Family

**WITHOUT** Legal Help, People...
- Continue in abusive situations
  - Miss work
  - Lose their jobs and income
  - Can’t pay rent and lose their homes
  - Have children’s schooling disrupted
  - Struggle with addiction
- Are **unaware** of programs that could help

**WITH** Legal Help, People Can...
- Get independence from abuser
  - Order of Protection
  - Custody of children
  - Child support
  - Divorce
  - Show up at work and school
- Get **referrals** to housing, employment, education and other support programs

Example: Domestic Abuse
Benefits of Legal Aid

Impacts of NOT Addressing Needs in Housing

WITHOUT Legal Help, People...
- Miss work and schooling
- Usually lose by default
- Are unaware of programs that could help
- Have children’s schooling disrupted
- Wind up couch-surfing or in shelters

WITH Legal Help, People Can...
- Get time to seek alternative housing
- Stay at work
- Access emergency assistance programs
- Keep children in their own school
- Avoid homelessness

Example: Eviction Notice
Your Role as a Commission Member

• Attend Meetings 3x/Year
• Participate on a Committee(s), as agreed
• Dedicate a Reasonable Amount of Time
• Act as an Advocate
• Stay Informed
Thank You and Questions

Thank You
Only if Time...

• Story on next slides 29-35
Meet Nancy

- Single mother with daughter
- Worked as a customer service representative
- Suffered a stroke and slipped into a coma
- Hospitalized and in a coma for 3 days
- Fired from her job for missing 3 days of work without calling to report an absence
- Asked employer for job back but employer said “no”
- Cannot pay rent, food, utilities, gas for her car, etc.
- Filed for unemployment benefits
- Denied unemployment benefits
What does Nancy do?

Nancy needs a lawyer to handle this complex legal matter. How does she find one?

The first hurdle: knowledge
Decision denying benefits includes a pamphlet with information about legal services

- Nancy calls toll-free number on pamphlet
What does Nancy do?

The second hurdle: Personal Limitations

- No transportation
- Difficulty remembering details after stroke
- Doesn’t know how to appeal denial and the 10-day deadline to do so
- Providing copies of her unemployment paperwork to lawyer

- Nancy talks to legal aid lawyer; legal aid lawyer sends her follow up letter and envelope with address and postage to send paperwork
Does Nancy qualify for services?

Next hurdle: Eligibility for services

- Does she meet income and asset eligibility?
- Does the household income including wages and child support exceed $19,913 pre tax (125% of poverty guidelines for two-person household)?

➢ Good news! Nancy qualifies to receive services.
Is Nancy’s case one that legal aid will handle?

Next hurdle: Case type

• Legal aid providers handle different types of cases.
• Has Nancy contacted a legal aid provider that will handle her particular case type?

➢ Yes, her local legal aid office handles this type of case.
Will Nancy get a lawyer?

Final hurdle: Staffing limitations

- Does her local legal aid office have a staff attorney to take her case?

- The legal aid office has an attorney who can represent Nancy to appeal the denial of her unemployment benefits.
How does Nancy’s story end?

- Legal aid agreed to represent Nancy to appeal the decision denying her unemployment benefits.
- Without her job and without unemployment benefits, Nancy could not pay her rent.
- Nancy and her daughter were evicted before her case was heard.
- Nancy won her appeal and got unemployment benefits. She used the benefits to get another apartment.